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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,723	11/30/2005	Scrivas Gutta	US030150	7194
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EXAMINER				
HICKS, CHARLES N				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/558,723

**Applicant(s)**

GUTTA, SRINIVAS

**Examiner**

CHARLES N. HICKS

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 11/30/2005

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz (US 2005/0172318 A1), hereinafter referred to as Dudkiewicz, in view of Ismail (US 20060212900 A1), hereinafter referred to as Ismail.

4. Regarding claim 1, Dudkiewicz discloses a method for generating recommendations, the method comprising: entering a newly created preference category (211a) as feedback for generating a recommendation (**fig. 11-13, pg. 8, paragraph 84**);

and generating preference information corresponding to the newly created preference category (211a) (**fig. 11-13, pg. 8, paragraph 84**).

However Dudkiewicz fails to disclose generating the recommendation based at least in part on the generated preference information. Ismail discloses generating the recommendation based at least in part on the generated preference information (**fig. 1-2, pg. 9, paragraph 126**). Motivation to combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

5. Regarding claim 2, Ismail discloses the method wherein the generating of the recommendation generates a recommendation for television programs (**fig. 1-2, pg. 4, paragraphs 68-70**).

6. Regarding claim 3, Dudkiewicz discloses the method wherein the generating of the preference information comprises: accessing a remote network (117) (**fig. 1-5, pg. 5-6, paragraph 70**);

and searching the remote network (117) for at least one keyword associated with the newly created preference category (211a) (**fig. 7, pg. 6, paragraph 74**).

However Dudkiewicz fails to disclose retrieving at least one video clip and generating the preference information. Ismail discloses retrieving at least one video clip associated with the at least one keyword resulting from the searching (**fig. 23, pg. 12, paragraphs 162-163**);

and generating the preference information from the at least one video clip (**fig. 23, pg. 12, paragraphs 163-168**). Motivation to combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

7. Regarding claim 4, Dudkiewicz discloses the method wherein the accessing comprises accessing the Internet (**fig. 1-5, pg. 5-6, paragraph 70**).

8. Regarding claim 5, Dudkiewicz discloses the method wherein the at least one keyword comprises a title of the newly created preference category (211a) (**fig. 7, pg. 6, paragraph 74**).

9. Regarding claims 6 and 9, Ismail discloses the method wherein the generating of the preference information from the at least one video clip comprises extracting key frames from the at least one video clip (**fig. 43, pg. 21, paragraph 249**).

10. Regarding claims 7 and 10, Dudkiewicz discloses the method wherein the generating of the recommendation comprises generating a user profile based at least in part on the preference information and generating the recommendation based at least in part on the user profile (**fig. 13-14, pg. 9, paragraphs 92-93**).

11. Regarding claim 8, Ismail discloses the method wherein the generating of the preference information comprises: uploading at least one video clip associated with the newly created preference category (211a) (**fig. 23, pg. 12, paragraphs 162-163**);  
and generating the preference information from the at least one video clip (**fig. 23, pg. 12, paragraphs 163-168**).

12. Regarding claim 11, Dudkiewicz discloses an apparatus (100) generating recommendations, the apparatus comprising: means for entering a newly created preference category (211a) as feedback for generating a recommendation (**fig. 11-13, pg. 8, paragraph 84**);

and means for generating preference information (108, 115, 117) corresponding to the newly created preference category (211a) (**fig. 11-13, pg. 8, paragraph 84**).

However Dudkiewicz fails to disclose a recommender for generating the recommendation. Ismail discloses a recommender (110) for generating the recommendation based at least in part on the generated preference information (**fig. 1-2, pg. 9, paragraph 126**). Motivation to combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

13. Regarding claim 12, Dudkiewicz discloses the apparatus wherein the means for generating the preference information comprises: a modem (115) for accessing a remote network (117) (**fig. 1-5, pg. 5-6, paragraph 70**);

and means (108) for searching the remote network for at least one keyword associated with the newly created preference category (211a) (**fig. 7, pg. 6, paragraph 74**).

However Dudkiewicz fails to disclose retrieving at least one video clip and generating the preference information. Ismail discloses means (108) for retrieving at least one video clip associated with the at least one keyword resulting from the searching (**fig. 23, pg. 12, paragraphs 162-163**);

means (108) for generating the preference information from the at least one video clip (**fig. 23, pg. 12, paragraphs 163-168**). Motivation to combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

14. Regarding claims 13 and 16, Ismail discloses the apparatus wherein the means for generating the preference information from the at least one video clip comprises means (108) for extracting key frames from the at least one video clip (**fig. 43, pg. 21, paragraph 249**).

15. Regarding claims 14 and 17, Dudkiewicz discloses the apparatus wherein the recommender (110) generates a user profile based at least in part on the preference information and generates the recommendation based at least in part on the user profile **(fig. 13-14, pg. 9, paragraphs 92-93)**.

16. Regarding claim 15, Ismail discloses the apparatus of claim 12, wherein the means for generating the preference information comprises: means (115) for uploading at least one video clip associated with the newly created preference category (211a) **(fig. 23, pg. 12, paragraphs 162-163)**;

and means (108) for generating the preference information from the at least one video clip **(fig. 23, pg. 12, paragraphs 163-168)**.

17. Regarding claim 18, Dudkiewicz discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for method for generating recommendations, the method comprising: entering a newly created preference category (211a) as feedback for generating a recommendation **(fig. 11-13, pg. 8, paragraph 84)**;

and generating preference information corresponding to the newly created preference category (211a) **(fig. 11-13, pg. 8, paragraph 84)**.

However Dudkiewicz fails to disclose generating the recommendation based on preference. Ismail discloses generating the recommendation based at least in part on the generated preference information **(fig. 1-2, pg. 9, paragraph 126)**. Motivation to



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combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

18. Regarding claim 19, Dudkiewicz discloses a computer program product embodied in a computer-readable medium for generating recommendations, the computer program product comprising: computer readable program code means for entering a newly created preference category (211a) as feedback for generating a recommendation (**fig. 11-13, pg. 8, paragraph 84**);

and computer readable program code means generating preference information corresponding to the newly created preference category (211a) (**fig. 11-13, pg. 8, paragraph 84**).

However Dudkiewicz fails to disclose means for generating recommendation. Ismail discloses computer readable program code means generating the recommendation based at least in part on the generated preference information (**fig. 1-2, pg. 9, paragraph 126**). Motivation to combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

***Claim Rejections - 35 USC § 101***

19. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 18-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer readable memory along with computer executable code is required to allow for the functionality of the invention.

***Specification***

**Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)),

and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements,

compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hendricks (US Patent No. 6,201,536 B1) discloses a network manager for cable television system headends. Schaffer (US Patent No. 7,085,747 B2) discloses real-time event recommender for media programming using personal scheduler. Herz (US Patent No. 6,088,722) discloses a system for scheduling broadcast of and access to video programs. Pendakur (US 2004/0073924 A1) discloses broadcast scheduling and content selection based on user profile. Ismail

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(2005/0204386 A1) discloses television program recording using user preference determination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES N. HICKS whose telephone number is (571)270-3010. The examiner can normally be reached on M-F 7:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
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CNH